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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,112	03/24/2004	Gerardo Melendrez		4554

7590 04/20/2005
Kenneth L. Tolar
808 N. Causeway Blvd.
Metairie, LA 70001

EXAMINER

NGUYEN, CAMTU TRAN

ART UNIT PAPER NUMBER

3743

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,112

Applicant(s)

MELENDREZ, GERARDO

Examiner

Camtu T. Nguyen

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to applicant's amendment filed on March 21, 2005. Claims 1-26 have been cancelled. Claims 27-32 are newly added claims. Applicant's comments are acknowledged however deemed not persuasive. With regards to applicant's comments pertaining to the Marino reference, applicant's attention is directed to applicant's specification on page 5 lines 15-17 where these lines disclosing a "gravity switch for disabling electrical power to the heater and blower in the event that the housing is inadvertently overturned", the Marino discloses a safety shutoff switch in the event that the heater unit tips forward. It is inescapable that the Marino reference discloses the same switch for the same purposes. The claims are rejected for the reasons below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424) in view of Hutton et al (U.S. Patent No. 5,825,974). Albanes discloses in Figure 1-5 a body drying system comprising elements as recited in these claims including a housing (12) having a forwarding face (14), a rearward face (16), a pair of side faces

Art Unit: 3743

(22), a plurality of apertures (26) positioned on the forwarding face (14) of the housing (12), a blower (46) disposed within the housing (12). Figure 1 illustrates the apertures (26) on the forwarding face (14) of housing (12) further including horizontal louvers (28) oriented within three rectangular oblong apertures (26). Each set of louvers (28) is pivotally mounted about parallel horizontal axes. Figure 1 further illustrates the dials to the right of each apertures (26) for pivoting the louvers (28) by rotating the dials. The Albanes body drying system lacks the teaching of a switch means for sequentially activating a plurality of heaters, as recited. Hutton et al discloses an electrical heating apparatus comprising a fan heater and having at least electrical heating elements. Figure 5 illustrates a schematic diagram showing a variety of fan speeds by using a plurality of heating elements wired in series. When the switch (7) is in position 1, the motor (14) is effectively switched off and the heating apparatus function as a pure convector heater. When the switch is in position 2, the motor (14) is in parallel with element (60) and in series with elements (62, 64, 66). This provides the slowest fan speed. When the switch is in position 3, the motor (14) is in parallel with elements (60, 62) and in series with elements (64, 66) which provides a higher fan speed. When the switch is in position 4, the motor (14) is in parallel with elements (60, 62, 64) and in series with element (66) which provides a still higher fan speed. In the final position 5 of switch (7), the motor (14) is connected across the full mains supply to give the fastest speed. Therefore it would have been obvious to one skilled in art to apply the sophisticated switch taught by Hutton et al in the Albanes drying system as such would offer sequentially activating a select one of pluralities of heaters each time the switch means is activated. With regards to the microprocessor, which would be electrically connecting to the heater control switch, this piece of electrical circuit is well known in the art for controlling the

Art Unit: 3743

operation of the heaters. Therefore it would have been obvious to one skilled in the art to utilize it in conjunction with the Hutton et al's switch as such would provide a longer life of the device as well as efficiency of its operation.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424), as modified above, and further in view of Marino (U.S. Patent No. 5,361,321). Albanes, as modified above, discloses in Figure 1-5 a body drying system comprising elements as recited in these claims but does not teach a gravity actuate safety switch. Marino discloses a portable electrical heater comprising a safety shutoff switch in the form of a switch (31) in the event that the heater unit tips forward. Therefore it would have been obvious to one skilled in the art to install the safety shutoff switch taught by Marino and connect it to Albanes' body drying system as such would disabling power in the event the heating unit is overturned, thereby providing safety.

Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424), as modified above, and further in view of Aufiero (U.S. Patent No. 2,563,449). Albanes, as modified above, discloses in Figure 1-5 a body drying system comprising elements as recited in these claims but does not teach the housing (12) is pivotally mounted on an upright weighted support stand, as recited. Aufiero discloses in Figures 1 and 2 a heater assembly comprising walls (11, 12) of the assembly is pivotally mounted on a base portion (5) of assembly that uprightly supports the walls (11,12) on an underlying surface. Therefore it would have been obvious to one skilled in art to mount the Albanes, as modified, on Aufiero's base portion for the purposes of allowing the housing to be angularly adjusted and also to provide stability.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424), as modified above, and further in view of Shao (U.S. Patent No. 5,239,610). Albanes, as modified above, discloses in Figure 1-5 a body drying system comprising elements as recited in these claims but does not teach the forwarding face is convex. Shao discloses in Figures 1-9 a portable heating unit (21) having a a cover (25 having a convex front section (27). Therefore it would have been obvious to one skilled in the art to modify the Albanes's front wall to be convex as taught by Shao as such curve would project hot air upwardly, downwardly, and straight ahead.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3743

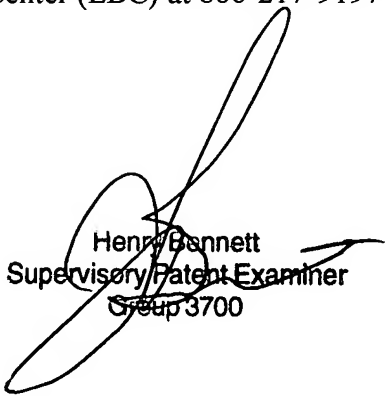
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 703-305-0537.

The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen
April 8, 2005



Henry A. Bennett
Supervisory Patent Examiner
Group 3700